IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1332 OF 1983

Bank of India ..Plaintiffs

Vs.

Jagjivan Das and Co. & Ors. ..Defendants

Mr.N.S.Fadia for the plaintiffs

None for the defendants

CORAM : S.U.KAMDAR, J
DATED : 24TH FEBRUARY, 2006

P.C.:

1. The present suit is filed by the plaintiffs bank for the recovery of Rs.2,58,469.45 along with 19.5% interest in respect of cash credit (hypothecation of stocks) facility and Rs.53,421.65 in respect of cash credit (pledge of stocks) facility. Defendants are served. Defendants have tendered the written statements.

2. However, matter was on board on 10.2.06. None appeared for the defendants. It was again on board on 16.2.06 when the issues were settled. At that time also, none appeared for the defendants.

Matter was thereafter on board on 23.2.06. Even on that day, none appeared for the defendants. Matter was thereafter kept today. Even today none appears for the defendants. There is no substantive defence raised in any of the written statements. The only issue which arises is whether the said documents were blank at the time of execution and whether subsequently, the same are filled in by the bank. Plaintiffs have tendered documents which are taken on record and marked Ex.A collectively.

3. In view of the fact that none appears for the defendants, there shall be decree in favour of the plaintiffs and against the defendants for a sum of Rs.2,58,469.45 alongwith further interest @ 18% p.a. from the date of the suit till payment and/or realisation. There shall also be decree for sum of Rs.53,421.65 also with interest @ 18% p.a. from the date of the suit till payment and/or realisation. Plaintiffs will also be entitled to the cost of the suit. Suit is accordingly disposed of. Refund of court fee as per rules.